

In the High Court of Judicature at Madras

Dated: 08.01.2007

Coram:

The Honourable Mr.Justice P.SATHASIVAM  
and  
The Honourable Mr.Justice N. PAUL VASANTHAKUMAR

Writ Petition No.43116 of 2006  
and MP.Nos.1 and 2 of 2006

T.S. Balaji

..Petitioner

..vs..

1. State of Tamil Nadu,  
rep.by the Secretary  
Municipal Administration  
Fort St.George,  
Chennai-600 009.
- 2.Corporation of Chennai  
rep. By its Commissioner  
Rippon Building, Chennai 600 003.
- 3.The Inspector of Police  
Law and Order  
Velachery Police Station  
Velachery, Chennai 600 042.
- 4.The Commissioner of Police  
Egmore, Chennai 600 008.
- 5.R. Elangovan
- 6.Smt. Thillai Elangovan

..Respondents

Writ petition filed under Article 226 of the Constitution of India,  
praying for issuance of a writ of Mandamus as stated therein.

For Petitioner : Ms. C.J. Shyamala  
For Respondents : Mr. K. Elango  
Spl. Govt., Pleader for R.1,3&4  
Mr.E.R.K.Moorthy for R.2  
Mr. K. Chandrasekaran for R.5&6

## ORDER

(Order of the Court was made by P.SATHASIVAM,J.)

The petitioner has approached this Court to issue a writ of mandamus directing the respondents 1 to 4 to forthwith discharge their statutory duties and remove the encroachments/obstructions put up by the 5<sup>th</sup> and 6<sup>th</sup> respondents along the 30 feet and 40 feet roads situate along the Northern and Eastern Boundaries respectively of the said land which is situate at No.27-A, Bhuvanewari Nagar, Velachery, Chennai 600 042 in Survey No.317/1, situated at No.137, Velachery Village, thereby restoring access to the said land through the 40 feet road and consequently forbear the 5<sup>th</sup> and 6<sup>th</sup> respondents from encroaching upon the said land/said roads.

2. Pursuant to the direction of this Court, the second respondent, Commissioner, Corporation of Chennai has filed a counter affidavit, wherein it is stated that the petitioner's property falls under unapproved layout. It is further stated that the 5<sup>th</sup> and 6<sup>th</sup> respondents property falls under approved layout No.152/73. Both the approved and unapproved layouts are called as Bhuvanewari Nagar. The further information stated in paragraphs 4 and 5 of the counter also relevant, which reads as under.

" 4. I state that all the purchasers in both the approved and unapproved layout are facing difficulty in demarcation of their plot boundaries as well as Roads, since both the layouts are overlapping each other. The second respondent is also not in a position to form the Roads due to the problem as stated above. Under these circumstances explained above, it is not possible to ascertain the encroachments if any, as stated by the petitioner.

5. I state that at present the 2<sup>nd</sup> respondent is taking necessary action to finalise the road dispute in both the approved and unapproved layouts in Bhuvanewari Nagar with the help of the Revenue Department working under the Collector of Chennai for which detailed note has been prepared and is being sent to the Collector of Chennai. After finalising the Road alignments by the Revenue Department only, the 2<sup>nd</sup> respondent will be able to remove the encroachments, if any, in these roads. "

3. In view of the stand taken by the Commissioner, Corporation of Chennai in his counter affidavit, particularly in para 5, we direct the Commissioner, Corporation of Chennai to take necessary action and finalise the road dispute with the help of the Revenue Department / Collector of Chennai and thereafter, take appropriate action in accordance with law expeditiously.

With the above direction, the writ petition is closed. No costs. Consequently, connected Mps., are also closed.

Sd/  
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

- 1.The Secretary  
State of Tamil Nadu,  
Municipal Administration  
Fort St.George,  
Chennai-600 009.
- 2.The Commissioner  
Corporation of Chennai  
Rippon Building, Chennai 600 003.
- 3.The Inspector of Police  
Law and Order  
Velachery Police Station  
Velachery, Chennai 600 042.
- 4.The Commissioner of Police  
Egmore, Chennai 600 008.

- 1 cc To Mr.K.Chandrasekaran, Advocate, SR.1296.  
1 cc To Mr.E.R.K.Moorrthy, Advocate, SR.1319.  
1 cc To The Government Pleader, SR.1488.

Writ Petition No.43116/06

SSV(CO)  
RVL 11.01.2007

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